

Message Text

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TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS

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FOLLOWING REPEAT SAN JOSE 3055 ACTION SECSTATE DATED 23 JUL 75
QUOTE

LIMITED OFFICIAL USE SAN JOSE 3055

USDEL 027

FOR L/T - ARTHUR ROVINE, ARA AND USOAS

EO 11652: NA

TAGS: OCON OAS

SUBJ: SAN JOSE CONFERENCE, RIO TREATY, FINAL ARTICLES

1. WORKING GROUP CONVENED TO DISCUSS ARTICLES XIV AND XV OF
CEESI DRAFT PRODUCED THREE MODIFIED ARTICLES AS NOTED BELOW.
DEPARTMENT'S COMMENTS APPRECIATED SOONEST; GANTZ WILL CALL
ROVINE LATE TODAY ON THIS SUBJECT.

2. "ARTICLE XIV. THE INTER-AMERICAN TREATY OF RECIPROCAL
ASSISTANCE MAY ONLY BE REVISED AT A SPECIAL CONFERENCE CONVOKED
FOR THAT PURPOSE BY A MAJORITY OF THE STATES PARTIES. SUCH
REVISIONS SHALL ENTER INTO FORCE IN THE SAME TERMS AND IN
ACCORDANCE WITH THE SAME PROCEDURE ESTABLISHED IN ARTICLE 22 OF
THE TREATY."

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3. "ARTICLE XV. THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE SHALL CONTINUE IN FORCE AMONG THE STATES PARTIES TO THAT TREATY. ONCE THE PROTOCOL OF AMENDMENT ENTERS INTO FORCE, THE TREATY AS AMENDED SHALL APPLY AMONG THE STATES THAT HAVE RATIFIED THAT PROTOCOL."

4. (EW) ARTICLE XVI. THE STATES PARTY TO THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE THAT HAVE NOT RATIFIED THE PROTOCOL OF AMENDMENT AS OF THE DATE ON WHICH THE PROTOCOL ENTERS INTO FORCE SHALL
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BE ABLE TO REQUEST AND PARTICIPATE FULLY IN THE MEETINGS OF CONSULTATION IF THEY FORMALLY AGREE TO ACCEPT THE DECISIONS AND RECOMMENDATIONS THAT THE ORGAN OF CONSULTATION MAY ADOPT IN EACH CASE.

5. COMMENT: ARTICLE XVI SEEMS TO US A REASONABLE WAY TO RESOLVE AN ALMOST INSOLUBLE PROBLEM, ALTHOUGH TO A CERTAIN EXTENT IT DIMINISHES THE INCENTIVE TO RATIFY PROMPTLY THE NEW PROTOCOL. A SIMILAR APPROACH WAS USED AFTER THE OAS CHARTER WAS REVISED IN 1967.
TODMAN
UNQUOTE
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